REMARKS

Claims 1-18, 21 and 24-30 now stand in the application, new claims 28-30 having been added. Reconsideration of the application and allowance of all claims are respectfully requested in view of the following remarks.

Claims 1, 21 and 24 are rejected as unpatentable over Fapojuwo (USP 6,330,232). This rejection is respectfully traversed.

The invention disclosed in the present application and defined in claim 1 involves a base station controller controlling traffic load, and the claim requires that a base station signal to the base station controller one or more limits related to processing capacity and corresponding to one or more parameters relating to traffic load, and the base station controller then controls traffic load while monitoring whether or not any of the limits is exceeded.

Fapojuwo discloses a system wherein each base station sends to a controller an indication of its available call capacity, and the controller then takes the reported call capacities into account when allocating calls to the various base stations.

A significant difference between these two arrangements, which may perhaps be difficult to explain but is nonetheless quite significant once understood, is that Fapojuwo signals its *available* call capacity. This is not a limit, but is rather a difference between its current call volume and whatever limit it has. To better illustrate, consider one of the examples given in the specification where the limit transmitted by the base station is the maximum number of radio links that can be established (see page 10 of the present application). Assume that the maximum number of links is ten, in which case the base station advises that it has a maximum link number

of ten. Fapojuwo does not need to know the limit, but only needs to know how much is left before a limit is reached. For example, if the number of calls that can be handled by a base station is ten, and the station is currently handling five calls, Fapojuwo would send a value of five to the base station controller (BSC) to indicate that it can handle five more calls. The present invention, on the other hand, would send a value of ten back to the BSC, because that is the maximum number of calls that can be established by that base station.

Since the present invention knows the limit value of a parameter, e.g., the number of calls or links that the base station can handle, the load control algorithm can monitor the calls it assigns to the base station such that this limit of ten calls is not exceeded. The load control algorithm itself knows how many calls it assigns to the base station, and detects if the limit has been reached.

In Fapojuwo, on the other hand, the information received from the base station is the available call capacity. This number will change during normal operation, and in order to function properly the load management system in Fapojuwo will have to be regularly updated as to the available call capacity of the base station. And the control algorithm in Fapojuwo does not need to track how many calls a particular base station is handling, because all it needs to know is whether there is still any availability. So instead of learning the limit value of calls and then monitoring the number of allocated calls to make sure that it does not exceed a limit value, Fapojuwo simply looks to see if there is anything available. It does not care whether a system ins handling one of ten (nine available) or 91 of 100(nine available), so it does not need to know the limit value and never needs to monitor to see if that limit value is exceeded. It knows that,

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whatever the limit value may be, it has not been exceeded because the base station is indicating available capacity.

Another way of viewing the difference between the present invention and Fapojuwo is that the comparison of present value to limit value is done at the base station and then the result of that comparison would be the available value sent to the base station controller, whereas the present invention relies on receiving the limit value from the controller so that the base station controller can do the comparison. It is this comparison which is reflected in the last subparagraph of claim 1.

For the above reasons, it is submitted that the invention of claim 1 would not have been obvious to one of ordinary skill in the art from the teachings of Fapojuwo. Claims 21 and 24 distinguish over Fapojuwo for the same reason.

Claims 2-3, 5-8 and 14 are rejected as unpatentable over Fapojuwo in view of Andersson et al (USP 6,434,380). This rejection is respectfully traversed.

First of all, all of these claims are dependent directly or indirectly on one of claims 1, 21 or 24. The claims then patentably distinguish over Fapojuwo for the reasons given above, since Andersson does not teach the subject matter missing from Fapojuwo about sending limit values. Andersson talks about a "user equipment agent" involved in its process, and does not describe a base station as transmitting the kind of information with which the present invention is concerned. But more importantly, Andersson is at best similar to the prior art already acknowledged at line 5 of page 3 of the present specification, employing "cost" figures for each of different resources. Instead of a cost that would be associated with a resource, the present invention uses limit values for each thing which will consume processing resources. Andersson

simply does not teach this, so even if the teachings of Andersson were combined with Fapojuwo, the claimed invention would not result.

Further, with regard to individual dependent claims, the examiner has pointed to nothing in Andersson which discusses the subject matter of claim 2 but argues that this would have been inherent or obvious in a resource allocation system. But this is not so. Fapojuwo itself engages in resource allocation, and it does not use limit values. Instead it uses call availability values, with the ramifications of this difference being as discussed above.

Still further, the premise of the present invention is that the various things recited in various dependent claims all require different processing capacity. Until the present invention, no one thought of having a base station advise the base station controller of different limits the base station had for different things that had different processing capacity requirements.

In arguing support for each of the various dependent claims, there is not a single claim where the examiner has been able to point to anywhere in Andersson or Fapojuwo where this additional claimed subject matter is taught. In each case, the examiner points to something in Andersson which suggests that the item recited in the claim (number of links in macrodiversity, number of links in transmission diversity, maximum data rate for established radio links, maximum data rates for traffic using different types of error correcting codes, etc., and then concludes, without support, that it would have been obvious to the skilled artisan to have the base station send to the base station controller a limit value for each of these things. Even if Fapojuwo sent a limit value for its item of interest (channels), there is nothing which would have led the artisan to send limit values for all of these other things. And the conclusion is particularly erroneous in light of the fact that Fapojuwo does not send limit values in any event.

Claims 4, 9-13 and 25-27 are rejected over the combined teachings of Fapojuwo,

Andersson and Hottinen, and claims 15-18 are rejected over the combined teachings of

Fapojuwo and Hottinen. These rejections are respectfully traversed. Hottinen does not teach

what is missing from Fapojuwo and Andersson relative to the claims discussed above.

Claims 28-30 are added to describe in generic terms the subject matter already recited in

claims 25-27, and are patentable for at least all of the reasons discussed above.

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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